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May 20, 1991
GORDON W. HUESCHEN, Attorney

Debra L. Killeen

Dated 5-20-91



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Applicant : Joachim Bormann, et al.
Serial No. : 07/508,109
Filed : April 11, 1990
Title : ADAMANTANE-DERIVATIVES IN THE PREVENTION AND
TREATMENT OF CEREBRAL ISCHEMIA
Art Unit : 125
Examiner : T. Wilson

* * * * *

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

**REQUEST FOR RECONSIDERATION AND WITHDRAWAL OF FINALITY
OF THE FINAL REJECTION**

Sir:

In response to the Office Action dated March 29, 1991, a Final Rejection, applicant respectfully requests withdrawal of the finality of this rejection on the foregoing grounds:

The first Action objected to the term "prevention of" in Claim 10.

In Response, the term "prevention of" was deleted from Claim 10.

In a telephone conversation, the Examiner advised that "treatment of" was now being reconsidered by his SPE and, in a subsequent telephone conversation advised that "treatment of" in Claim 10 was now considered to be incredible (an entirely new position by the USPTO).

The undersigned attorney could not cancel Claim 10 at that time and, indeed, the surprising reversal of the previously-stated position of the USPTO constituted an entirely new ground

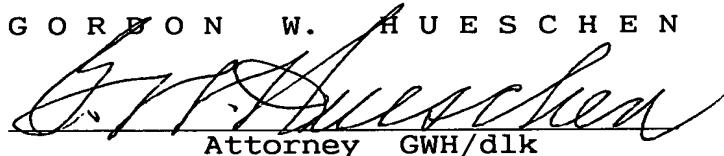
of rejection, never before placed in writing by the USPTO.

The Office Action dated March 29, 1991 was an improper Final Rejection since the ground of rejection of Claim 10 stated therein had never before been placed in writing in an Office Action and was only advised to the undersigned attorney over the phone as a change in the previous position of the USPTO.

The undersigned attorney requires more time to respond to the new ground of rejection set forth in the Office Action dated March 29, 1991 and accordingly respectfully requests that the finality of the said Office Action, which was not in accord with proper procedure, be withdrawn, thereby to enable the undersigned attorney a full six (6) month period to respond to the new ground of rejection, to the best of his ability to do so in view of the fact that the client is in Germany and that the preparation of a suitable rebuttal to the outstanding new ground of rejection will be time consuming in view of the distance which is involved as well as in view of the complexity of the new problem raised for the first time by the last Office Action (the Final Rejection).

Respectfully submitted,

GORDON W. HUESCHEN



Attorney GWH/dlk

Dated: May 20, 1991
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Enclosure: Return postal card receipt